

### **REMARKS**

This communication responds to the Office Action mailed on July 2, 2007.

Claims 1, 7, 18 and 24 are amended, claims 3 and 38 are canceled, and no claims are added in this communication. As a result, claims 1-2, 4-24, and 26-37 are now pending in this application.

#### **Claim Objections**

Claims 1, 7, 18, and 24 were specifically objected to because of what the Office Action referred to as "informalities": (1) Independent claim 1 was objected to "because the claim does not comprise the steps of modifying the data that is suggested in independent claim 7." (2) Likewise, the Office Action states that independent claims 1, 7, 18 and 24 "should also conclude with a step that suggests in detail what happens to the data after "making" the data of the assembly available for distribution."

Without conceding that the objections are well founded, in order to advance the prosecution of the application Applicant has amended claims 1, 7, 18 and 24 by adding a step or steps suggesting what happens to the data after "making" the data of the assembly available for distribution. For example, Applicant has added a feature "distributing the data assembly including the redundant data to the component" to claim 1, therefore believes that the method described in amended claim 1 provides concrete and tangible results. For at least the same reason with respect to amended claim 1, Applicant believes that methods claimed in amended independent claims 7, 18 and 24 also provide concrete and tangible results, and

Regarding claim 1, the Office Action asserts,

"Claim 1 is objected because the claim does not comprise the steps of modifying the data that is suggested in independent claim 7. It appears that claim 1 should comprise the modification step that is presented in claim 7 in a way that would add consistency to the claim limitations of independent claim 1."

Applicant disagrees. Applicant respectfully submits that claims 1 and 7 respectively relate to example embodiments, thus they need not share the same modification step. Furthermore, since claim 1 already includes a step "*adding redundant data to the data assembly based on a characteristic of a component of a data management system targeted for receipt of the data assembly*", it reflects a specific way to modify the data assembly. Thus, Applicant is aware of no

need to include another modification step to claim 1 as suggested by the Office Action without citing any statutory of Patent Office Rule as supporting the objection. In order to advance the prosecution of this application, Applicant suggests that the Examiner call the undersigned to discuss the objection and the Examiner's reasons for making it if the Examiner intends to continue assertion of the objection.

In view of the above, Applicant therefore submits that the amendments to independent claims 1, 7, 18 and 24 have overcome the objections to independent claims 1, 7, 18 and 24. It is therefore respectfully requested that the objections to independent claims 1, 7, 18 and 24 and their dependent claims be reconsidered and withdrawn.

### **RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

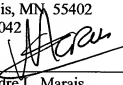
Respectfully submitted,

RALF STEUERNAGEL

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Date 11/05/07

By   
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5 day of November 2007.

Dawn R. Shaw

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Name

Signature